

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Section 1-5 as follows:

6 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

7 Sec. 1-5. Applicability.

8 (a) This Act applies to every agency as defined in this  
9 Act. Beginning January 1, 1978, in case of conflict between the  
10 provisions of this Act and the Act creating or conferring power  
11 on an agency, this Act shall control. If, however, an agency  
12 (or its predecessor in the case of an agency that has been  
13 consolidated or reorganized) has existing procedures on July 1,  
14 1977, specifically for contested cases or licensing, those  
15 existing provisions control, except that this exception  
16 respecting contested cases and licensing does not apply if the  
17 Act creating or conferring power on the agency adopts by  
18 express reference the provisions of this Act. Where the Act  
19 creating or conferring power on an agency establishes  
20 administrative procedures not covered by this Act, those  
21 procedures shall remain in effect.

22 (b) The provisions of this Act do not apply to (i)  
23 preliminary hearings, investigations, or practices where no

1 final determinations affecting State funding are made by the  
2 State Board of Education, (ii) legal opinions issued under  
3 Section 2-3.7 of the School Code, (iii) as to State colleges  
4 and universities, their disciplinary and grievance  
5 proceedings, academic irregularity and capricious grading  
6 proceedings, and admission standards and procedures, and (iv)  
7 the class specifications for positions and individual position  
8 descriptions prepared and maintained under the Personnel Code.  
9 Those class specifications shall, however, be made reasonably  
10 available to the public for inspection and copying. The  
11 provisions of this Act do not apply to hearings under Section  
12 20 of the Uniform Disposition of Unclaimed Property Act.

13 (c) Section 5-35 of this Act relating to procedures for  
14 rulemaking does not apply to the following:

15 (1) Rules adopted by the Pollution Control Board that,  
16 in accordance with Section 7.2 of the Environmental  
17 Protection Act, are identical in substance to federal  
18 regulations or amendments to those regulations  
19 implementing the following: Sections 3001, 3002, 3003,  
20 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
21 Section 105 of the Comprehensive Environmental Response,  
22 Compensation, and Liability Act of 1980; Sections 307(b),  
23 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
24 Water Pollution Control Act; Sections 1412(b), 1414(c),  
25 1417(a), 1421, and 1445(a) of the Safe Drinking Water Act;  
26 and Section 109 of the Clean Air Act.

1           (2) Rules adopted by the Pollution Control Board that  
2           establish or amend standards for the emission of  
3           hydrocarbons and carbon monoxide from gasoline powered  
4           motor vehicles subject to inspection under the Vehicle  
5           Emissions Inspection Law of 2005 or its predecessor laws.

6           (3) Procedural rules adopted by the Pollution Control  
7           Board governing requests for exceptions under Section 14.2  
8           of the Environmental Protection Act.

9           (4) The Pollution Control Board's grant, pursuant to an  
10          adjudicatory determination, of an adjusted standard for  
11          persons who can justify an adjustment consistent with  
12          subsection (a) of Section 27 of the Environmental  
13          Protection Act.

14          (4.5) The Pollution Control Board's adoption of  
15          time-limited water quality standards under Section 38.5 of  
16          the Environmental Protection Act.

17          (5) Rules adopted by the Pollution Control Board that  
18          are identical in substance to the regulations adopted by  
19          the Office of the State Fire Marshal under clause (ii) of  
20          paragraph (b) of subsection (3) of Section 2 of the  
21          Gasoline Storage Act.

22          (d) Pay rates established under Section 8a of the Personnel  
23          Code shall be amended or repealed pursuant to the process set  
24          forth in Section 5-50 within 30 days after it becomes necessary  
25          to do so due to a conflict between the rates and the terms of a  
26          collective bargaining agreement covering the compensation of

1 an employee subject to that Code.

2 (e) Section 10-45 of this Act shall not apply to any  
3 hearing, proceeding, or investigation conducted under Section  
4 13-515 of the Public Utilities Act.

5 (f) Article 10 of this Act does not apply to any hearing,  
6 proceeding, or investigation conducted by the State Council for  
7 the State of Illinois created under Section 3-3-11.05 of the  
8 Unified Code of Corrections or by the Interstate Commission for  
9 Adult Offender Supervision created under the Interstate  
10 Compact for Adult Offender Supervision or by the Interstate  
11 Commission for Juveniles created under the Interstate Compact  
12 for Juveniles.

13 (g) This Act is subject to the provisions of Article XXI of  
14 the Public Utilities Act. To the extent that any provision of  
15 this Act conflicts with the provisions of that Article XXI, the  
16 provisions of that Article XXI control.

17 (Source: P.A. 97-95, eff. 7-12-11; 97-945, eff. 8-10-12;  
18 97-1081, eff. 8-24-12; 98-463, eff. 8-16-13.)

19 Section 10. The Environmental Protection Act is amended by  
20 changing Sections 4, 5, 7.5, 29, and 41 and the heading of  
21 Title IX and by adding Sections 3.488 and 38.5 as follows:

22 (415 ILCS 5/3.488 new)

23 Sec. 3.488. Time-limited water quality standard.

24 "Time-limited water quality standard" has the meaning ascribed

1 to the term "water quality standards variance" in 40 CFR  
2 131.3(o).

3 (415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

4 Sec. 4. Environmental Protection Agency; establishment;  
5 duties.

6 (a) There is established in the Executive Branch of the  
7 State Government an agency to be known as the Environmental  
8 Protection Agency. This Agency shall be under the supervision  
9 and direction of a Director who shall be appointed by the  
10 Governor with the advice and consent of the Senate. The term of  
11 office of the Director shall expire on the third Monday of  
12 January in odd numbered years, provided that he or she shall  
13 hold office until a successor is appointed and has qualified.  
14 The Director shall receive an annual salary as set by the  
15 Compensation Review Board. The Director, in accord with the  
16 Personnel Code, shall employ and direct such personnel, and  
17 shall provide for such laboratory and other facilities, as may  
18 be necessary to carry out the purposes of this Act. In  
19 addition, the Director may by agreement secure such services as  
20 he or she may deem necessary from any other department, agency,  
21 or unit of the State Government, and may employ and compensate  
22 such consultants and technical assistants as may be required.

23 (b) The Agency shall have the duty to collect and  
24 disseminate such information, acquire such technical data, and  
25 conduct such experiments as may be required to carry out the

1 purposes of this Act, including ascertainment of the quantity  
2 and nature of discharges from any contaminant source and data  
3 on those sources, and to operate and arrange for the operation  
4 of devices for the monitoring of environmental quality.

5 (c) The Agency shall have authority to conduct a program of  
6 continuing surveillance and of regular or periodic inspection  
7 of actual or potential contaminant or noise sources, of public  
8 water supplies, and of refuse disposal sites.

9 (d) In accordance with constitutional limitations, the  
10 Agency shall have authority to enter at all reasonable times  
11 upon any private or public property for the purpose of:

12 (1) Inspecting and investigating to ascertain possible  
13 violations of this Act, any rule or regulation adopted  
14 under this Act, any permit or term or condition of a  
15 permit, or any Board order; or

16 (2) In accordance with the provisions of this Act,  
17 taking whatever preventive or corrective action, including  
18 but not limited to removal or remedial action, that is  
19 necessary or appropriate whenever there is a release or a  
20 substantial threat of a release of (A) a hazardous  
21 substance or pesticide or (B) petroleum from an underground  
22 storage tank.

23 (e) The Agency shall have the duty to investigate  
24 violations of this Act, any rule or regulation adopted under  
25 this Act, any permit or term or condition of a permit, or any  
26 Board order; to issue administrative citations as provided in

1 Section 31.1 of this Act; and to take such summary enforcement  
2 action as is provided for by Section 34 of this Act.

3 (f) The Agency shall appear before the Board in any hearing  
4 upon a petition for variance or time-limited water quality  
5 standard, the denial of a permit, or the validity or effect of  
6 a rule or regulation of the Board, and shall have the authority  
7 to appear before the Board in any hearing under the Act.

8 (g) The Agency shall have the duty to administer, in accord  
9 with Title X of this Act, such permit and certification systems  
10 as may be established by this Act or by regulations adopted  
11 thereunder. The Agency may enter into written delegation  
12 agreements with any department, agency, or unit of State or  
13 local government under which all or portions of this duty may  
14 be delegated for public water supply storage and transport  
15 systems, sewage collection and transport systems, air  
16 pollution control sources with uncontrolled emissions of 100  
17 tons per year or less and application of algicides to waters of  
18 the State. Such delegation agreements will require that the  
19 work to be performed thereunder will be in accordance with  
20 Agency criteria, subject to Agency review, and shall include  
21 such financial and program auditing by the Agency as may be  
22 required.

23 (h) The Agency shall have authority to require the  
24 submission of complete plans and specifications from any  
25 applicant for a permit required by this Act or by regulations  
26 thereunder, and to require the submission of such reports

1 regarding actual or potential violations of this Act, any rule  
2 or regulation adopted under this Act, any permit or term or  
3 condition of a permit, or any Board order, as may be necessary  
4 for the purposes of this Act.

5 (i) The Agency shall have authority to make recommendations  
6 to the Board for the adoption of regulations under Title VII of  
7 the Act.

8 (j) The Agency shall have the duty to represent the State  
9 of Illinois in any and all matters pertaining to plans,  
10 procedures, or negotiations for interstate compacts or other  
11 governmental arrangements relating to environmental  
12 protection.

13 (k) The Agency shall have the authority to accept, receive,  
14 and administer on behalf of the State any grants, gifts, loans,  
15 indirect cost reimbursements, or other funds made available to  
16 the State from any source for purposes of this Act or for air  
17 or water pollution control, public water supply, solid waste  
18 disposal, noise abatement, or other environmental protection  
19 activities, surveys, or programs. Any federal funds received by  
20 the Agency pursuant to this subsection shall be deposited in a  
21 trust fund with the State Treasurer and held and disbursed by  
22 him in accordance with Treasurer as Custodian of Funds Act,  
23 provided that such monies shall be used only for the purposes  
24 for which they are contributed and any balance remaining shall  
25 be returned to the contributor.

26 The Agency is authorized to promulgate such regulations and

1 enter into such contracts as it may deem necessary for carrying  
2 out the provisions of this subsection.

3 (1) The Agency is hereby designated as water pollution  
4 agency for the state for all purposes of the Federal Water  
5 Pollution Control Act, as amended; as implementing agency for  
6 the State for all purposes of the Safe Drinking Water Act,  
7 Public Law 93-523, as now or hereafter amended, except Section  
8 1425 of that Act; as air pollution agency for the state for all  
9 purposes of the Clean Air Act of 1970, Public Law 91-604,  
10 approved December 31, 1970, as amended; and as solid waste  
11 agency for the state for all purposes of the Solid Waste  
12 Disposal Act, Public Law 89-272, approved October 20, 1965, and  
13 amended by the Resource Recovery Act of 1970, Public Law  
14 91-512, approved October 26, 1970, as amended, and amended by  
15 the Resource Conservation and Recovery Act of 1976, (P.L.  
16 94-580) approved October 21, 1976, as amended; as noise control  
17 agency for the state for all purposes of the Noise Control Act  
18 of 1972, Public Law 92-574, approved October 27, 1972, as  
19 amended; and as implementing agency for the State for all  
20 purposes of the Comprehensive Environmental Response,  
21 Compensation, and Liability Act of 1980 (P.L. 96-510), as  
22 amended; and otherwise as pollution control agency for the  
23 State pursuant to federal laws integrated with the foregoing  
24 laws, for financing purposes or otherwise. The Agency is hereby  
25 authorized to take all action necessary or appropriate to  
26 secure to the State the benefits of such federal Acts, provided

1 that the Agency shall transmit to the United States without  
2 change any standards adopted by the Pollution Control Board  
3 pursuant to Section 5(c) of this Act. This subsection (l) of  
4 Section 4 shall not be construed to bar or prohibit the  
5 Environmental Protection Trust Fund Commission from accepting,  
6 receiving, and administering on behalf of the State any grants,  
7 gifts, loans or other funds for which the Commission is  
8 eligible pursuant to the Environmental Protection Trust Fund  
9 Act. The Agency is hereby designated as the State agency for  
10 all purposes of administering the requirements of Section 313  
11 of the federal Emergency Planning and Community Right-to-Know  
12 Act of 1986.

13 Any municipality, sanitary district, or other political  
14 subdivision, or any Agency of the State or interstate Agency,  
15 which makes application for loans or grants under such federal  
16 Acts shall notify the Agency of such application; the Agency  
17 may participate in proceedings under such federal Acts.

18 (m) The Agency shall have authority, consistent with  
19 Section 5(c) and other provisions of this Act, and for purposes  
20 of Section 303(e) of the Federal Water Pollution Control Act,  
21 as now or hereafter amended, to engage in planning processes  
22 and activities and to develop plans in cooperation with units  
23 of local government, state agencies and officers, and other  
24 appropriate persons in connection with the jurisdiction or  
25 duties of each such unit, agency, officer or person. Public  
26 hearings shall be held on the planning process, at which any

1 person shall be permitted to appear and be heard, pursuant to  
2 procedural regulations promulgated by the Agency.

3 (n) In accordance with the powers conferred upon the Agency  
4 by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the  
5 Agency shall have authority to establish and enforce minimum  
6 standards for the operation of laboratories relating to  
7 analyses and laboratory tests for air pollution, water  
8 pollution, noise emissions, contaminant discharges onto land  
9 and sanitary, chemical, and mineral quality of water  
10 distributed by a public water supply. The Agency may enter into  
11 formal working agreements with other departments or agencies of  
12 state government under which all or portions of this authority  
13 may be delegated to the cooperating department or agency.

14 (o) The Agency shall have the authority to issue  
15 certificates of competency to persons and laboratories meeting  
16 the minimum standards established by the Agency in accordance  
17 with Section 4(n) of this Act and to promulgate and enforce  
18 regulations relevant to the issuance and use of such  
19 certificates. The Agency may enter into formal working  
20 agreements with other departments or agencies of state  
21 government under which all or portions of this authority may be  
22 delegated to the cooperating department or agency.

23 (p) Except as provided in Section 17.7, the Agency shall  
24 have the duty to analyze samples as required from each public  
25 water supply to determine compliance with the contaminant  
26 levels specified by the Pollution Control Board. The maximum

1 number of samples which the Agency shall be required to analyze  
2 for microbiological quality shall be 6 per month, but the  
3 Agency may, at its option, analyze a larger number each month  
4 for any supply. Results of sample analyses for additional  
5 required bacteriological testing, turbidity, residual chlorine  
6 and radionuclides are to be provided to the Agency in  
7 accordance with Section 19. Owners of water supplies may enter  
8 into agreements with the Agency to provide for reduced Agency  
9 participation in sample analyses.

10 (q) The Agency shall have the authority to provide notice  
11 to any person who may be liable pursuant to Section 22.2(f) of  
12 this Act for a release or a substantial threat of a release of  
13 a hazardous substance or pesticide. Such notice shall include  
14 the identified response action and an opportunity for such  
15 person to perform the response action.

16 (r) The Agency may enter into written delegation agreements  
17 with any unit of local government under which it may delegate  
18 all or portions of its inspecting, investigating and  
19 enforcement functions. Such delegation agreements shall  
20 require that work performed thereunder be in accordance with  
21 Agency criteria and subject to Agency review. Notwithstanding  
22 any other provision of law to the contrary, no unit of local  
23 government shall be liable for any injury resulting from the  
24 exercise of its authority pursuant to such a delegation  
25 agreement unless the injury is proximately caused by the  
26 willful and wanton negligence of an agent or employee of the

1 unit of local government, and any policy of insurance coverage  
2 issued to a unit of local government may provide for the denial  
3 of liability and the nonpayment of claims based upon injuries  
4 for which the unit of local government is not liable pursuant  
5 to this subsection (r).

6 (s) The Agency shall have authority to take whatever  
7 preventive or corrective action is necessary or appropriate,  
8 including but not limited to expenditure of monies appropriated  
9 from the Build Illinois Bond Fund and the Build Illinois  
10 Purposes Fund for removal or remedial action, whenever any  
11 hazardous substance or pesticide is released or there is a  
12 substantial threat of such a release into the environment. The  
13 State, the Director, and any State employee shall be  
14 indemnified for any damages or injury arising out of or  
15 resulting from any action taken under this subsection. The  
16 Director of the Agency is authorized to enter into such  
17 contracts and agreements as are necessary to carry out the  
18 Agency's duties under this subsection.

19 (t) The Agency shall have authority to distribute grants,  
20 subject to appropriation by the General Assembly, to units of  
21 local government for financing and construction of wastewater  
22 facilities in both incorporated and unincorporated areas. With  
23 respect to all monies appropriated from the Build Illinois Bond  
24 Fund and the Build Illinois Purposes Fund for wastewater  
25 facility grants, the Agency shall make distributions in  
26 conformity with the rules and regulations established pursuant

1 to the Anti-Pollution Bond Act, as now or hereafter amended.

2 (u) Pursuant to the Illinois Administrative Procedure Act,  
3 the Agency shall have the authority to adopt such rules as are  
4 necessary or appropriate for the Agency to implement Section  
5 31.1 of this Act.

6 (v) (Blank.)

7 (w) Neither the State, nor the Director, nor the Board, nor  
8 any State employee shall be liable for any damages or injury  
9 arising out of or resulting from any action taken under  
10 subsection (s).

11 (x)(1) The Agency shall have authority to distribute  
12 grants, subject to appropriation by the General Assembly,  
13 to units of local government for financing and construction  
14 of public water supply facilities. With respect to all  
15 monies appropriated from the Build Illinois Bond Fund or  
16 the Build Illinois Purposes Fund for public water supply  
17 grants, such grants shall be made in accordance with rules  
18 promulgated by the Agency. Such rules shall include a  
19 requirement for a local match of 30% of the total project  
20 cost for projects funded through such grants.

21 (2) The Agency shall not terminate a grant to a unit of  
22 local government for the financing and construction of  
23 public water supply facilities unless and until the Agency  
24 adopts rules that set forth precise and complete standards,  
25 pursuant to Section 5-20 of the Illinois Administrative  
26 Procedure Act, for the termination of such grants. The

1 Agency shall not make determinations on whether specific  
2 grant conditions are necessary to ensure the integrity of a  
3 project or on whether subagreements shall be awarded, with  
4 respect to grants for the financing and construction of  
5 public water supply facilities, unless and until the Agency  
6 adopts rules that set forth precise and complete standards,  
7 pursuant to Section 5-20 of the Illinois Administrative  
8 Procedure Act, for making such determinations. The Agency  
9 shall not issue a stop-work order in relation to such  
10 grants unless and until the Agency adopts precise and  
11 complete standards, pursuant to Section 5-20 of the  
12 Illinois Administrative Procedure Act, for determining  
13 whether to issue a stop-work order.

14 (y) The Agency shall have authority to release any person  
15 from further responsibility for preventive or corrective  
16 action under this Act following successful completion of  
17 preventive or corrective action undertaken by such person upon  
18 written request by the person.

19 (z) To the extent permitted by any applicable federal law  
20 or regulation, for all work performed for State construction  
21 projects which are funded in whole or in part by a capital  
22 infrastructure bill enacted by the 96th General Assembly by  
23 sums appropriated to the Environmental Protection Agency, at  
24 least 50% of the total labor hours must be performed by actual  
25 residents of the State of Illinois. For purposes of this  
26 subsection, "actual residents of the State of Illinois" means

1 persons domiciled in the State of Illinois. The Department of  
2 Labor shall promulgate rules providing for the enforcement of  
3 this subsection.

4 (aa) The Agency may adopt rules requiring the electronic  
5 submission of any information required to be submitted to the  
6 Agency pursuant to any State or federal law or regulation or  
7 any court or Board order. Any rules adopted under this  
8 subsection (aa) must include, but are not limited to,  
9 identification of the information to be submitted  
10 electronically.

11 (Source: P.A. 98-72, eff. 7-15-13.)

12 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

13 Sec. 5. Pollution Control Board.

14 (a) There is hereby created an independent board to be  
15 known as the Pollution Control Board.

16 Until July 1, 2003 or when all of the new members to be  
17 initially appointed under this amendatory Act of the 93rd  
18 General Assembly have been appointed by the Governor, whichever  
19 occurs later, the Board shall consist of 7 technically  
20 qualified members, no more than 4 of whom may be of the same  
21 political party, to be appointed by the Governor with the  
22 advice and consent of the Senate.

23 The term of each appointed member of the Board who is in  
24 office on June 30, 2003 shall terminate at the close of  
25 business on that date or when all of the new members to be

1 initially appointed under this amendatory Act of the 93rd  
2 General Assembly have been appointed by the Governor, whichever  
3 occurs later.

4 Beginning on July 1, 2003 or when all of the new members to  
5 be initially appointed under this amendatory Act of the 93rd  
6 General Assembly have been appointed by the Governor, whichever  
7 occurs later, the Board shall consist of 5 technically  
8 qualified members, no more than 3 of whom may be of the same  
9 political party, to be appointed by the Governor with the  
10 advice and consent of the Senate. Members shall have verifiable  
11 technical, academic, or actual experience in the field of  
12 pollution control or environmental law and regulation.

13 Of the members initially appointed pursuant to this  
14 amendatory Act of the 93rd General Assembly, one shall be  
15 appointed for a term ending July 1, 2004, 2 shall be appointed  
16 for terms ending July 1, 2005, and 2 shall be appointed for  
17 terms ending July 1, 2006. Thereafter, all members shall hold  
18 office for 3 years from the first day of July in the year in  
19 which they were appointed, except in case of an appointment to  
20 fill a vacancy. In case of a vacancy in the office when the  
21 Senate is not in session, the Governor may make a temporary  
22 appointment until the next meeting of the Senate, when he or  
23 she shall nominate some person to fill such office; and any  
24 person so nominated, who is confirmed by the Senate, shall hold  
25 the office during the remainder of the term.

26 Members of the Board shall hold office until their

1       respective successors have been appointed and qualified. Any  
2       member may resign from office, such resignation to take effect  
3       when a successor has been appointed and has qualified.

4             Board members shall be paid \$37,000 per year or an amount  
5       set by the Compensation Review Board, whichever is greater, and  
6       the Chairman shall be paid \$43,000 per year or an amount set by  
7       the Compensation Review Board, whichever is greater. Each  
8       member shall devote his or her entire time to the duties of the  
9       office, and shall hold no other office or position of profit,  
10      nor engage in any other business, employment, or vocation. Each  
11      member shall be reimbursed for expenses necessarily incurred  
12      and shall make a financial disclosure upon appointment.

13            Each Board member may employ one secretary and one  
14      assistant, and the Chairman one secretary and 2 assistants. The  
15      Board also may employ and compensate hearing officers to  
16      preside at hearings under this Act, and such other personnel as  
17      may be necessary. Hearing officers shall be attorneys licensed  
18      to practice law in Illinois.

19            The Board may have an Executive Director; if so, the  
20      Executive Director shall be appointed by the Governor with the  
21      advice and consent of the Senate. The salary and duties of the  
22      Executive Director shall be fixed by the Board.

23            The Governor shall designate one Board member to be  
24      Chairman, who shall serve at the pleasure of the Governor.

25            The Board shall hold at least one meeting each month and  
26      such additional meetings as may be prescribed by Board rules.

1 In addition, special meetings may be called by the Chairman or  
2 by any 2 Board members, upon delivery of 24 hours written  
3 notice to the office of each member. All Board meetings shall  
4 be open to the public, and public notice of all meetings shall  
5 be given at least 24 hours in advance of each meeting. In  
6 emergency situations in which a majority of the Board certifies  
7 that exigencies of time require the requirements of public  
8 notice and of 24 hour written notice to members may be  
9 dispensed with, and Board members shall receive such notice as  
10 is reasonable under the circumstances.

11 If there is no vacancy on the Board, 4 members of the Board  
12 shall constitute a quorum to transact business; otherwise, a  
13 majority of the Board shall constitute a quorum to transact  
14 business, and no vacancy shall impair the right of the  
15 remaining members to exercise all of the powers of the Board.  
16 Every action approved by a majority of the members of the Board  
17 shall be deemed to be the action of the Board. The Board shall  
18 keep a complete and accurate record of all its meetings.

19 (b) The Board shall determine, define and implement the  
20 environmental control standards applicable in the State of  
21 Illinois and may adopt rules and regulations in accordance with  
22 Title VII of this Act.

23 (c) The Board shall have authority to act for the State in  
24 regard to the adoption of standards for submission to the  
25 United States under any federal law respecting environmental  
26 protection. Such standards shall be adopted in accordance with

1 Title VII of the Act and upon adoption shall be forwarded to  
2 the Environmental Protection Agency for submission to the  
3 United States pursuant to subsections (l) and (m) of Section 4  
4 of this Act. Nothing in this paragraph shall limit the  
5 discretion of the Governor to delegate authority granted to the  
6 Governor under any federal law.

7 (d) The Board shall have authority to conduct proceedings  
8 upon complaints charging violations of this Act, any rule or  
9 regulation adopted under this Act, any permit or term or  
10 condition of a permit, or any Board order; upon administrative  
11 citations; upon petitions for variances, ~~or~~ adjusted  
12 standards, or time-limited water quality standards; upon  
13 petitions for review of the Agency's final determinations on  
14 permit applications in accordance with Title X of this Act;  
15 upon petitions to remove seals under Section 34 of this Act;  
16 and upon other petitions for review of final determinations  
17 which are made pursuant to this Act or Board rule and which  
18 involve a subject which the Board is authorized to regulate.  
19 The Board may also conduct other proceedings as may be provided  
20 by this Act or any other statute or rule.

21 (e) In connection with any proceeding pursuant to  
22 subsection (b) or (d) of this Section, the Board may subpoena  
23 and compel the attendance of witnesses and the production of  
24 evidence reasonably necessary to resolution of the matter under  
25 consideration. The Board shall issue such subpoenas upon the  
26 request of any party to a proceeding under subsection (d) of

1 this Section or upon its own motion.

2 (f) The Board may prescribe reasonable fees for permits  
3 required pursuant to this Act. Such fees in the aggregate may  
4 not exceed the total cost to the Agency for its inspection and  
5 permit systems. The Board may not prescribe any permit fees  
6 which are different in amount from those established by this  
7 Act.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (415 ILCS 5/7.5) (from Ch. 111 1/2, par. 1007.5)

10 Sec. 7.5. Filing Fees.

11 (a) The Board shall collect filing fees as prescribed in  
12 this Act. The fees shall be deposited in the Pollution Control  
13 Board Fund. The filing fees shall be as follows:

14 Petition for site-specific regulation, \$75.

15 Petition for variance, \$75.

16 Petition for review of permit, \$75.

17 Petition to contest local government decision pursuant to  
18 Section 40.1, \$75.

19 Petition for an adjusted standard, pursuant to Section  
20 28.1, \$75.

21 Petition for a time-limited water quality standard, \$75 per  
22 petitioner.

23 (b) A person who has filed a petition for a variance from a  
24 water quality standard and paid the filing fee set forth in  
25 subsection (a) of this Section for that petition and whose

1 variance petition is thereafter converted into a petition for a  
2 time-limited water quality standard under Section 38.5 of this  
3 Act shall not be required to pay a separate filing fee upon the  
4 conversion of the variance petition into a petition for a  
5 time-limited water quality standard.

6 (Source: P.A. 85-1440.)

7 (415 ILCS 5/29) (from Ch. 111 1/2, par. 1029)

8 Sec. 29. (a) Any person adversely affected or threatened by  
9 any rule or regulation of the Board may obtain a determination  
10 of the validity or application of such rule or regulation by  
11 petition for review under Section 41 of this Act.

12 (b) Action by the Board in adopting any regulation for  
13 which judicial review could have been obtained under Section 41  
14 of this Act shall not be subject to review regarding the  
15 regulation's validity or application in any subsequent  
16 proceeding under Title VIII, Title IX or Section 40 of this  
17 Act.

18 (c) This Section does not apply to orders entered by the  
19 Board pursuant to Section 38.5 of this Act. Final orders  
20 entered by the Board pursuant to Section 38.5 of this Act are  
21 subject to judicial review under subsection (j) of that  
22 Section. Interim orders entered by the Board pursuant to  
23 Section 38.5 are not subject to judicial review under this  
24 Section or Section 38.5.

25 (Source: P.A. 85-1048.)

1 (415 ILCS 5/Tit. IX heading)

2 TITLE IX: VARIANCES AND TIME-LIMITED WATER QUALITY STANDARDS

3 (415 ILCS 5/38.5 new)

4 Sec. 38.5. Time-limited water quality standards.

5 (a) To the extent consistent with the Federal Water  
6 Pollution Control Act, rules adopted by the United States  
7 Environmental Protection Agency under that Act, this Section,  
8 and rules adopted by the Board under this Section, the Board  
9 may adopt, and may conduct non-adjudicatory proceedings to  
10 adopt, a time-limited water quality standard for a watershed or  
11 one or more of the following:

12 (1) water bodies;

13 (2) waterbody segments; or

14 (3) dischargers.

15 (b) A time-limited water quality standard may be sought by:

16  
17 (1) persons who file with the Board a petition for a  
18 time-limited water quality standard under this Section;  
19 and

20 (2) persons who have a petition for a variance from a  
21 water quality standard under Section 35 of this Act  
22 converted into a petition for a time-limited water quality  
23 standard under subsection (c) of this Section.

24 (c) Any petition for a variance from a water quality

1 standard under Section 35 of this Act that was filed with the  
2 Board before the effective date of this amendatory Act of the  
3 99th General Assembly and that has not been disposed of by the  
4 Board shall be converted, by operation of law, into a petition  
5 for a time-limited water quality standard under this Section on  
6 the effective date of this amendatory Act of the 99th General  
7 Assembly.

8 (d) The Board's hearings concerning the adoption of  
9 time-limited water quality standards shall be open to the  
10 public and must be held in compliance with 40 CFR 131.14,  
11 including, but not limited to, the public notice and  
12 participation requirements referenced in 40 CFR 25 and 40 CFR  
13 131.20(b); this Section; and rules adopted by the Board under  
14 this Section.

15 (e) Within 21 days after any petition for a time-limited  
16 water quality standard is filed with the Board under this  
17 Section, or within 21 days after the effective date of this  
18 amendatory Act of the 99th General Assembly in the case of a  
19 petition for time-limited water quality standard created under  
20 subsection (c) of this Section, the Agency shall file with the  
21 Board a response that:

22 (1) identifies the discharger or classes of  
23 dischargers affected by the water quality standard from  
24 which relief is sought;

25 (2) identifies the watershed, water bodies, or  
26 waterbody segments affected by the water quality standard

1 from which relief is sought;

2 (3) identifies the appropriate type of time-limited  
3 water quality standard, based on factors, such as the  
4 nature of the pollutant, the condition of the affected  
5 water body, and the number and type of dischargers; and

6 (4) recommends, for the purposes of subsection (h),  
7 prompt deadlines for the classes of dischargers to file a  
8 substantially compliant petition.

9 (f) Within 30 days after receipt of a response from the  
10 Agency under subsection (e) of this Section, the Board shall  
11 enter a final order that establishes the discharger or classes  
12 of dischargers that may be covered by the time-limited water  
13 quality standard and prompt deadlines by which the discharger  
14 and dischargers in the identified classes must, for the  
15 purposes of subsection (h), file with the Board either:

16 (1) a petition for a time-limited water quality  
17 standard, if the petition has not been previously filed; or

18 (2) an amended petition for a time-limited water  
19 quality standard, if the petition has been previously filed  
20 and it is necessary to file an amended petition to maintain  
21 a stay under paragraph (3) of subsection (h) of this  
22 Section.

23 (g) As soon as practicable after entering an order under  
24 subsection (f), the Board shall conduct an evaluation of the  
25 petition to assess its substantial compliance with 40 CFR  
26 131.14, this Section, and rules adopted pursuant to this

1 Section. After the Board determines that a petition is in  
2 substantial compliance with those requirements, the Agency  
3 shall file a recommendation concerning the petition.

4 (h) (1) The effectiveness of a water quality standard from  
5 which relief is sought shall be stayed as to the following  
6 persons from the effective date of the water quality standard  
7 until the stay is terminated as provided in this subsection:

8 (A) any person who has a petition for a variance  
9 seeking relief from a water quality standard under  
10 Section 35 of this Act converted into a petition for a  
11 time-limited water quality standard under subsection  
12 (c) of this Section;

13 (B) any person who files a petition for a  
14 time-limited water quality standard within 35 days  
15 after the effective date of the water quality standard  
16 from which relief is sought; and

17 (C) any person, not covered by subparagraph (B) of  
18 this subsection, who is a member of a class of  
19 dischargers that is identified in a Board order under  
20 subsection (f) that concerns a petition for a  
21 time-limited water quality standard that was filed  
22 within 35 days after the effective date of the water  
23 quality standard from which relief is sought and who  
24 files a petition for a time-limited water quality  
25 standard before the deadline established for that  
26 class under subsection (f) of this Section.

1           (2) If the Board determines that the petition of a  
2           person described in paragraph (1) of this subsection is in  
3           substantial compliance, then the stay shall continue until  
4           the Board:

5                   (A) denies the petition and all rights to judicial  
6                   review of the Board order denying the petition are  
7                   exhausted; or

8                   (B) adopts the time-limited water quality standard  
9                   and the United States Environmental Protection Agency  
10                  either:

11                           (i) approves the time-limited water quality  
12                           standard; or

13                           (ii) disapproves the time-limited water  
14                           quality standard for failure to comply with 40 CFR  
15                           131.14.

16           (3) If the Board determines that the petition of a  
17           person described in paragraph (1) of this subsection is not  
18           in substantial compliance, then the Board shall enter an  
19           interim order that identifies the deficiencies in the  
20           petition that must be corrected for the petition to be in  
21           substantial compliance. The petitioner must file an  
22           amended petition by the deadlines adopted by the Board  
23           pursuant to subsection (f), and the Board shall enter,  
24           after the applicable Board-established deadline, a final  
25           order that determines whether the amended petition is in  
26           substantial compliance.

1           (4) If the Board determines that the amended petition  
2           described in paragraph (3) of this subsection is in  
3           substantial compliance, then the stay shall continue until  
4           the Board:

5                   (A) denies the petition and all rights to judicial  
6                   review of the Board order denying the petition are  
7                   exhausted; or

8                   (B) adopts the time-limited water quality standard  
9                   and the United States Environmental Protection Agency  
10                  either:

11                           (i) approves the time-limited water quality  
12                           standard; or

13                           (ii) disapproves the time-limited water  
14                           quality standard for failure to comply with 40 CFR  
15                           131.14.

16           (5) If the Board determines that the amended petition  
17           described in paragraph (3) of this subsection is not in  
18           substantial compliance by the Board-established deadline,  
19           the Board shall deny the petition and the stay shall  
20           continue until all rights to judicial review are exhausted.

21           (6) If the Board determines that a petition for a  
22           time-limited water quality standard is not in substantial  
23           compliance and if the person fails to file, on or before  
24           the Board-established deadline, an amended petition, the  
25           Board shall dismiss the petition and the stay shall  
26           continue until all rights to judicial review are exhausted.

1           (7) If a person other than a person described in  
2           paragraph (1) of subsection (h) of this Section files a  
3           petition for a time-limited water quality standard, then  
4           the effectiveness of the water quality standard from which  
5           relief is sought shall not be stayed as to that person.  
6           However, the person may seek a time-limited water quality  
7           standard from the Board by complying with 40 CFR 131.14,  
8           this Section, and rules adopted pursuant to this Section.

9           (i) Each time-limited water quality standard adopted by the  
10          Board for more than one discharger shall set forth criteria  
11          that may be used by dischargers or classes of dischargers to  
12          obtain coverage under the time-limited water quality standard  
13          during its duration. Any discharger that has not obtained a  
14          time-limited water quality standard may obtain coverage under a  
15          Board-approved time-limited water quality standard by  
16          satisfying, at the time of the renewal or modification of that  
17          person's federal National Pollutant Discharge Elimination  
18          System (NPDES) permit or at the time the person files an  
19          application for certification under Section 401 of the federal  
20          Clean Water Act, the Board-approved criteria for coverage under  
21          the time-limited water quality standard.

22          (j) Any person who is adversely affected or threatened by a  
23          final Board order entered pursuant to this Section may obtain  
24          judicial review of the Board order by filing a petition for  
25          review within 35 days after the date the Board order was served  
26          on the person affected by the order, under the provisions of

1 the Administrative Review Law, and the rules adopted pursuant  
2 thereto, except that review shall be afforded directly in the  
3 appellate court for the district in which the cause of action  
4 arose and not in the circuit court. For purposes of judicial  
5 review under this subsection, a person is deemed to have been  
6 served with the Board's final order on the date on which the  
7 order is first published by the Board on its website.

8 No challenge to the validity of a final Board order under  
9 this Section shall be made in any enforcement proceeding under  
10 Title XII of this Act as to any issue that could have been  
11 raised in a timely petition for review under this subsection.

12 (k) Not later than 6 months after the effective date of  
13 this amendatory Act of the 99th General Assembly, the Agency  
14 shall propose, and not later than 9 months thereafter the Board  
15 shall adopt, rules that prescribe specific procedures and  
16 standards to be used by the Board when adopting time-limited  
17 water quality standards. The public notice and participation  
18 requirements in 40 CFR 25 and 40 CFR 131.20(b) shall be  
19 incorporated into the rules adopted under this subsection.

20 Until the rules adopted under this subsection are  
21 effective, the Board may adopt time-limited water quality  
22 standards to the full extent allowed under this Section and 40  
23 C.F.R. 131.14.

24 (l) Section 5-35 of the Illinois Administrative Procedure  
25 Act, Title VII of this Act, and the other Sections in Title IX  
26 of this Act do not apply to Board proceedings under this

1 Section.

2 (415 ILCS 5/41) (from Ch. 111 1/2, par. 1041)

3 Sec. 41. Judicial review.

4 (a) Any party to a Board hearing, any person who filed a  
5 complaint on which a hearing was denied, any person who has  
6 been denied a variance or permit under this Act, any party  
7 adversely affected by a final order or determination of the  
8 Board, and any person who participated in the public comment  
9 process under subsection (8) of Section 39.5 of this Act may  
10 obtain judicial review, by filing a petition for review within  
11 35 days from the date that a copy of the order or other final  
12 action sought to be reviewed was served upon the party affected  
13 by the order or other final Board action complained of, under  
14 the provisions of the Administrative Review Law, as amended and  
15 the rules adopted pursuant thereto, except that review shall be  
16 afforded directly in the Appellate Court for the District in  
17 which the cause of action arose and not in the Circuit Court.  
18 Review of any rule or regulation promulgated by the Board shall  
19 not be limited by this section but may also be had as provided  
20 in Section 29 of this Act.

21 (b) Any final order of the Board under this Act shall be  
22 based solely on the evidence in the record of the particular  
23 proceeding involved, and any such final order for permit  
24 appeals, enforcement actions and variance proceedings, shall  
25 be invalid if it is against the manifest weight of the

1 evidence. Notwithstanding this subsection, the Board may  
2 include such conditions in granting a variance and may adopt  
3 such rules and regulations as the policies of this Act may  
4 require. If an objection is made to a variance condition, the  
5 board shall reconsider the condition within not more than 75  
6 days from the date of the objection.

7 (c) No challenge to the validity of a Board order shall be  
8 made in any enforcement proceeding under Title XII of this Act  
9 as to any issue that could have been raised in a timely  
10 petition for review under this Section.

11 (d) If there is no final action by the Board within 120  
12 days on a request for a variance which is subject to subsection  
13 (c) of Section 38 or a permit appeal which is subject to  
14 paragraph (a) (3) of Section 40 or paragraph (d) of Section  
15 40.2 or Section 40.3, the petitioner shall be entitled to an  
16 Appellate Court order under this subsection. If a hearing is  
17 required under this Act and was not held by the Board, the  
18 Appellate Court shall order the Board to conduct such a  
19 hearing, and to make a decision within 90 days from the date of  
20 the order. If a hearing was held by the Board, or if a hearing  
21 is not required under this Act and was not held by the Board,  
22 the Appellate Court shall order the Board to make a decision  
23 within 90 days from the date of the order.

24 The Appellate Court shall retain jurisdiction during the  
25 pendency of any further action conducted by the Board under an  
26 order by the Appellate Court. The Appellate Court shall have

1 jurisdiction to review all issues of law and fact presented  
2 upon appeal.

3 (e) This Section does not apply to orders entered by the  
4 Board pursuant to Section 38.5 of this Act. Final orders  
5 entered by the Board pursuant to Section 38.5 of this Act are  
6 subject to judicial review under subsection (j) of that  
7 Section. Interim orders entered by the Board pursuant to  
8 Section 38.5 are not subject to judicial review under this  
9 Section or Section 38.5.

10 (Source: P.A. 99-463, eff. 1-1-16.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.